

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Feb 23, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kenneth Richard Rowell

Case Number: 0980 2:13CR06070-SAB-1

Address of Offender: [REDACTED] Kennewick, Washington 99337

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: May 19, 2014

Original Offense: Distribution of a Controlled Substance - Methamphetamine, 21 U.S.C. §§ 841(a)(1), and
(b)(1)(B)(viii)Original Sentence: Prison - 120 months
TSR - 8 years

Type of Supervision: Supervised Release

Asst. U.S. Attorney: To be assigned

Date Supervision Commenced: May 10, 2022

Defense Attorney: To be assigned

Date Supervision Expires: May 9, 2030

PETITIONING THE COURT

To issue a summons.

On May 13, 2022, all the conditions of supervised release were reviewed with Mr. Rowell. He signed a copy of his conditions, and was provided with a copy. He was referred to Merit Resource Services (Merit) for substance abuse treatment and for random drug testing.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Special Condition # 16: You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by consuming a controlled substance, amphetamines, on or about November 6, 2023.

The undersigned officer learned from the treatment counselor at Merit that Mr. Rowell was instructed to complete a random treatment drug test on November 6, 2023. Mr. Rowell was defensive and argumentative. He completed the drug test, which was presumptive positive for amphetamines. Per the treatment counselor, Mr. Rowell admitted to using amphetamines on that same date.

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- 2 **Special Condition # 17:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by consuming alcohol on or about November 6, 2023.

As noted above, the treatment counselor at Merit reported to this officer Mr. Rowell was instructed to complete a random treatment drug test on November 6, 2023, and this drug test was presumptive positive for alcohol. Per the treatment counselor, Mr. Rowell admitted to using alcohol on that same date.

- 3 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by submitting an invalid urine specimen for drug testing in an attempt to defeat drug testing as required, on or about December 1, 2023.

On December 1, 2023, Mr. Rowell reported to the probation office for drug testing. He completed the drug test, and the results were presumptive positive for methamphetamine. Mr. Rowell denied any drug use when questioned by the probation officer, and he smiled as he said, "It's suppose to be clean." After further questioning, he admitted to this officer to having used methamphetamine on or about November 29, 2023. The drug test report was later received from the national laboratory reporting the specimen was invalid and not consistent with normal human urine.

On December 5, 2023, this officer made telephonic contact with Mr. Rowell and questioned him about the invalid specimen he previously provided. At first, he denied tampering, using a device, or any efforts to defeat the drug test. However, he later admitted to using a catheter with pickle juice and food coloring, to defeat the drug test. He went on to further explain he first drinks excessive amounts of water to flush out his bladder, then uses saline water to finish flushing his bladder. Using a catheter through the inside of his urethra, he inserts the fake solution into his bladder. He reported he then has about 1 hour to provide the sample before his own real urine begins to get mixed up with the invalid solution.

- 4 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by using a controlled substance, methamphetamine, on or about November 29, 2023.

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On December 1, 2023, Mr. Rowell admitted to this officer to having used methamphetamine on or about November 29, 2023, as detailed above in violation #3.

- 5 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by using controlled substances, cocaine, methamphetamine, and amphetamines, on or about December 27, 2023.

On December 27, 2023, Mr. Rowell reported to Merit for drug testing as required. This drug test was presumptive positive for cocaine, methamphetamine, and amphetamine. Mr. Rowell signed a drug use admission form admitting to using these substances.

- 6 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by using a controlled substance, methamphetamine, on or about January 5, 2024.

On January 10, 2024, this officer made telephonic contact with Mr. Rowell. During this contact, he admitted to having last used methamphetamine on January 5, 2024.

- 7 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Rowell is considered to be in violation of his term of supervised release by failing to report for drug testing as required on or about December 5, 2023; and January 3, and 11, 2024.

This officer previously instructed Mr. Rowell at the time of the initial intake appointment, to call the color line at Merit daily, Monday through Friday, and report to Merit for drug testing when his assigned color, brown, was called.

Merit reported Mr. Rowell failed to report for drug testing when his assigned color was called on December 5, 2023, and on January 3 and 11, 2024, as required.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 23, 2024

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

2/23/2024

Date